

CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

EL 398889618 US

April 8, 2004

USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Sarah M. Barnett

RECEIVED

APR 28 2004

PATENT

Customer Number: 22,852

Attorney Docket No. 06843.0067-02000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Confirmation No. 3392
	)
Aya JAKOBOVITS et al.	) Group Art Unit: 1644
	)
Application No.: 09/187,693	) Examiner: Phuong N. HUYNH
	)
Filed: November 5, 1998	)
	)
For: HUMAN MONOCLONAL	)
ANTIBODIES TO EPIDERMAL	)
GROWTH FACTOR	)
RECEPTOR	)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**MAIL STOP RCE**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement (Statement) is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits after the Request for Continued Examination (RCE) was filed in this case.

Nine of the documents listed on the attached Form PTO 1449 were cited in a communication in a counterpart Patent Cooperation Treaty application. Copies of those documents are enclosed. A copy of that communication is also enclosed.

Copies of the remaining documents listed on the attached Form PTO 1449 were previously submitted or were cited by the Examiner in:

U.S. Patent Application No. 09/162,280, filed September 28, 1998; and/or

U.S. Patent Application No. 08/851,362, filed May 5, 1997, now U.S. Patent No. 6,235,883;

both of which Applicants rely upon for the benefits provided in 35 U.S.C. § 120.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents should one or more of the documents be applied against the claims of the present application.

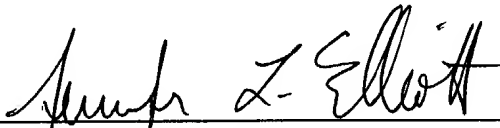
Application No.: 09/187,693  
Attorney Docket No. 06843.0067-02000

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 8, 2004

By:   
Jennifer L. Elliott  
Reg. No. 50,584

**CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"**

EL 398889618 US

April 8, 2004

USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 11710, Alexandria, VA 22313-1450.

By:

Sarah M. Barnett

**OMB No. 0651-0011**

**INFORMATION DISCLOSURE CITATION**

Atty. Docket No.	06843.0067-02000	Appln. No.	09/187,693
Applicant	Aya JAKOBOVITS et al.	Conf. No.	3392
Filing Date	November 5, 1998	Group:	1644

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
712 863 A1	May 22, 1996	EPO			
586 002 A2	Aug 18, 1993	EPO			
WO 96/34096 A	Oct 31, 1996	PCT			
WO 96/40210 A	Dec 19, 1996	PCT			
WO 98/24893 A	Jun 11, 1998	PCT			

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

J. Corvalan et al., January 1, 1997, "Generation of fully human high affinity monoclonal antibodies to EGF receptor in mice," The Journal of Allergy and Clinical Immunology, 99(1, part 2, supp.): s15.
GenBank Accession Number Z70619, <i>H. sapiens</i> mRNA for immunoglobulin heavy chain variable regions (6D4-A5, VH4, 4-31/DP-65), accessed December 3, 1998 (1996).
GenBank Accession Number Z70658, <i>H. sapiens</i> mRNA for immunoglobulin heavy chain variable regions (83-6H3, VH4, 4-61/DP-66), accessed December 3, 1998 (1996).
A. Jakobovits et al., January, 1997, "Humoral immunity in mice engineered with megabase human heavy and kappa light chain YACs," The Journal of Allergy and Clinical Immunology, 99(1, part 2, supp.): s113.
A. Jakobovits et al., April 6, 1998, "Production and selection of antigen-specific fully human monoclonal antibodies from mice engineered with human Ig loci," Advanced Drug Delivery Reviews, 31(1-2): 33-42.
A. Jakobovits, April 1998, "The long-awaited magic bullets: therapeutic human monoclonal antibodies from transgenic mice," Expert Opinion on Investigational Drugs, 7(4): 607-614.
J. Klein, 1982, <u>Immunology: The Science of Self-Nonself Discrimination</u> , John Wiley & Sons: New York, NY p. 176-183.

**CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"**

EL 398889618 US

April 8, 2004

USPS Express Mail Label Number

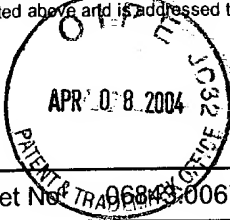
Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service's Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Sarah M. Barnett

**OMB No. 0651-0011**



**INFORMATION DISCLOSURE CITATION**

Atty. Docket No.	06843-0067-02000	Appln. No.	09/187,693
Applicant	Aya JAKOBOVITS et al.	Conf. No.	3392
Filing Date	November 5, 1998	Group:	1644

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	T. Matsumoto et al., March 1997, "Chimeric monoclonal antibody (Mab) C225 to the epidermal growth factor receptor (EGF-R) inhibits the growth of human transitional cell carcinoma (TCC) in the bladder of nude mice," Proceedings of the American Association for Cancer Research, 38: 229.
	M. Mendez et al., February 1997, "Functional transplant of megabase human immunoglobulin loci recapitulates human antibody response in mice," Nature Genetics, 15: 146-156.
	H. Modjtahedi et al., 1994, "The receptor for EGF and its ligands: expression, prognostic value and target for therapy in cancer (Review)," International Journal of Oncology 4:277-296.
	G. Schulz et al., 1979, <u>Principles of Protein Structure</u> , Springer-Verlag: New York, NY, pp. 14-16.
	International Search Report for PCT Application No. PCT/US98/09160.

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce